



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeffrey Meisner, Walter P. Donnelly, and Richard Roosen

Application No.: Not Yet Assigned

Filed:

Title: Augmented Reality Technology

GAU: Not Yet Assigned

FILE
COPY

PETITION UNDER 37 C.F.R. 1.47(a)

Assistant Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

The Applicants, through their attorney, hereby petition the Commissioner under 37 C.F.R. 1.181 and 1.47(a) to accept the application papers filed with the above-identified application without the signature of Jeffrey Meisner who refuses to sign a Declaration.

Enclosed is a check in the amount of \$130.00 for the petition fee due under 37 C.F.R. 1.17(i).

1. STATEMENT OF FACTS.

As a basis for the granting of this petition, the following facts and circumstances are set forth:

CERTIFICATE OF EXPRESS MAILING (IF APPLICABLE)

Express Mail No.: EL060890542US
Date of Deposit: 04/06/99. I hereby certify that this paper/fee is being deposited with the United States Postal Service "Express Mail- Post Office to Addressee" service, under 37 CFR 1.10, on the date indicated above, and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Marvin L. Beekman
Name: Marvin L. Beekman

- (1) This petition is being filed with the specification, claims, drawings, Declaration, and Verified Statement for the application. The application claims the benefit under 35 U.S.C. §119(e) of co-pending provisional application Serial No. 60/081,051 filed April 8, 1998.
- (2) Dr. Jeffrey Meisner co-invented the invention of the application while employed with TriSen Systems, Inc. (hereinafter "TriSen").
- (3) Dr. Meisner left the employ of TriSen on July 27, 1997.
- (4) A copy of the specification, including claims and drawings, was forwarded to Dr. Meisner by Mr. Walter P. Donnelly, President of TriSen on March 15, 1999.
- (5) Dr. Meisner FAXed a response letter, dated March 25, 1999, from the law office of Furber, Timmer and Zahn, PLLP, Minneapolis, Minnesota. Dr. Meisner sent a concurrent copy to attorney Theodore K. Furber.
- (6) Joel D. Skinner, Jr., an attorney of record in the application, called Mr. Furber on March 29, 1999 to inquire about the status of the application and to seek Dr. Meisner's execution of a Declaration for the application. Mr. Furber stated that his client, Dr. Meisner, would not sign a Declaration.

(7) The last known address of Jeffrey Meisner is:

Dr. Jeffrey Meisner
3113 40th Avenue South
Minneapolis, MN 55406-2224.

Enclosed are declarations of Walter P. Donnelly and Joel D. Skinner, Jr. in support of the facts set forth above.

2. POINTS TO BE REVIEWED.

Petitioners presented a copy of the specification, claims and drawings for the co-inventor, Dr. Jeffrey Meisner. The Petitioners submit that a *bona-fide* attempt was made to have Dr. Meisner sign the application papers. Dr. Meisner, through his attorney, refused to execute a Declaration. The Petitioners submit that a *bona fide* attempt is being made to comply with the provisions of 37 CFR 1.47 at the time when the Declaration in this application is first submitted, which is with the initial filing of the application.

Further, the Petitioners submit that their rights will be jeopardized unless this petition is granted.

3. ACTION REQUESTED.

On the basis of the facts and for the reasons set forth above, the Petitioners respectfully request that their petition be granted and that the Commissioner accept the above-identified application papers without the signature of Jeffrey Meisner.

Please charge any fee due not paid by a check provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

Respectfully submitted,

Marvin L. Beekman
Marvin L. Beekman, Reg. No. 38,377
619 Second Street, Suite 201
Hudson, Wisconsin 54016
Tel.: (715) 386-5800
FAX: (715) 386-6177
Internet e-mail: info@skinnerlaw.com

Date: 4-6-99

Enclosures

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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DECLARATION OF WALTER P. DONNELLY

Declarant, Walter P. Donnelly, hereby declares as follows:

1. That his address is 6108 Sherman Circle, Edina, MN 55436.
2. That he is a joint inventor for the above-identified application.
3. That he is the president of TriSen Systems, Inc. (hereinafter "TriSen"), the assignee of the entire interest of the Augmented Reality Technology (hereinafter "AR Technology") that forms the subject matter of the above-identified application.
3. That he makes this declaration in support of the Petition Under 37 C.F.R. 1.47(a) filed for the above-referenced application.
4. That Dr. Jeffrey Meisner was employed by TriSen beginning on May 30, 1995.

5. That Dr. Meisner worked on the AR Technology while employed with TriSen and is considered to be a co-inventor.

6. That Dr. Meisner left the employ of TriSen on July 27, 1997.

7. That he forwarded a copy of the specification for the above-identified application, including the claims and drawings, along with a cover letter to Dr. Meisner on March 15, 1999.

8. That, in the cover letter, he requested that Dr. Meisner review the application papers and respond with comments by March 24, 1999, and indicated that if no comments were received by March 24, a Declaration form would be forwarded for Dr. Meisner's signature.

9. That a package containing the specification and cover letter were sent via FedEx and that he expected that the package would be delivered by noon on March 17, 1999.

10. That FedEx repeatedly tried to deliver the package between March 17, 1999 and March 22, 1999, and returned the package to TriSen on March 23, 1999.

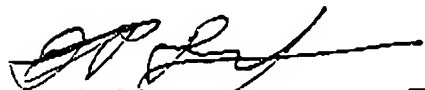
11. That the package containing the specification and cover letter were sent to Dr. Meisner by certified mail on March 23, 1999.

12. That he received a response letter dated March 25, 1999 from Dr. Meisner that was FAXed from the law office of Furber, Timmer and Zahn, PLLP. A concurrent copy of the letter was sent to Theodore K. Furber, Esq. The letter stated that he received the application papers from the U.S. Post Office on March 25, 1999.

Declarant further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true;

and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent/registration issued thereon.

DECLARANT



Walter P. Donnelly

Date: 4/2/99

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DECLARATION OF JOEL D. SKINNER, JR.

Declarant, Joel D. Skinner, Jr., hereby declares as follows:

1. That his business address is Skinner and Associates, 619 Second Street, STE. 201, Hudson, WI 54016.
2. That he is an attorney of record in the above-identified application.
3. That he makes this declaration in support of the Petition Under 37 C.F.R. 1.47(a) filed for the above-referenced application.
4. That he believed that Dr. Meisner was represented by Theodore K. Furber, Esq. because Mr. Furber was listed as receiving a concurrent copy of a letter from Dr. Meisner dated March 25, 1999.

5. That he called Mr. Furber on March 29, 1999 to inquire about the status of the application and to make an effort to present a Declaration to Dr. Meisner for his signature.

6. That, in the phone conversation, Mr. Furber stated that his client, Dr. Meisner, would not sign a Declaration.

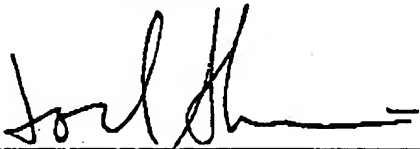
7. That a *bona-fide* attempt was made to present a copy of the application papers for Dr. Meisner's signature.

8. That Dr. Meisner, through his attorney, refused to execute the application papers.

9. That a *bona-fide* attempt is being made to comply with the provisions of 37 CFR 1.47 at the time when the Declaration in this application is first submitted.

Declarant further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent/registration issued thereon.

DECLARANT



Joel D. Skinner, Jr.

Date: 4-6-99